

1 HONORABLE RONALD B. LEIGHTON
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9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 AURA ROSSI,

11 Plaintiff,

12 v.

13 CITY OF LAKEWOOD, et al,

14 Defendants.

15 LAKEWOOD FIRE DEPARTMENT, et al,

16 Third-Party Plaintiffs,

17 v.

18 CITY OF LAKEWOOD, a municipal
corporation of the State of Washington,

19 Third-Party Defendant.

20 Case No. C07-5411

21 ORDER PERMITTING DEFENDANTS
TO JOIN THE STATE OF
WASHINGTON

22 THIS MATTER is before the Court on Defendant Lakewood's Motion for Summary Judgment
23 [Dkt. #41], and the request contained in its Reply [Dkt. #66], asking the court to add (or require the
24 plaintiff to add) the State of Washington (DSHS) as a Party to this lawsuit.

25 The court has already determined that the State of Washington (DSHS) is not an indispensable
26 party under Fed. R. Civ. P. 19, and it therefore denied the Defendants' Motions seeking dismissal of the
27 case on that basis [See Dkt. #65]. Lakewood now reiterates its view that the State of Washington (DSHS)
28 is a "necessary" party, and points out that Plaintiff has not argued otherwise.

1 The court will not join the State of Washington (DSHS) as a party, or require the Plaintiff to do so.
2 However, the City of Lakewood is hereby GRANTED LEAVE to add the State of Washington (DSHS) as
3 a third party defendant under Fed. R. Civ. P. 14(a). While the court is not convinced that the case cannot
4 proceed without the State of Washington (DSHS), the Defendants can assuage their concerns about the
5 State of Washington's (DSHS) absence by asserting a claim against that entity, if they so choose.

6 **IT IS SO ORDERED.**

7 Dated this 3rd day of March, 2008.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE

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